

REMARKS

In response to the final Office Action of July 9, 2008, applicants ask that all claims be allowed in view of the following remarks. Claims 1-29 are pending, with claims 1, 11, 17, 26, and 27 being independent. Initially, applicants acknowledge with appreciation Examiner Smith's indication that claims 11-22, 26, and 27 are allowed and that claims 7-10 recite allowable subject matter.

Claim Rejections—35 U.S.C. § 103

Rejections over Simpson, Norwood '952, and Albanese III

Claims 1-6, 23-25, 28, and 29 have been rejected as being unpatentable over U.S. Patent No. 3,092,071 (Simpson) in view of U.S. Patent No. 4,532,952 (Norwood '952) and U.S. Patent No. 3,666,340 (Albanese III).

Applicants request reconsideration and withdrawal of this rejection because neither Simpson, Norwood '952, Albanese III, nor any proper combination of the three describes or suggests a one-piece polymer cover enclosing a position indicator display and mechanism in a polymer housing and a hand-operated fastening device that secures the one-piece clear polymer cover to the polymer housing such that an interaction between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, as recited in claim 1. Additionally, it would not have been obvious to modify Norwood '952 with Albanese III in the manner suggested by the Office.

In Simpson, a device 10 has a movable part 11 that may occupy a variety of positions. See Simpson at col. 2, lines 57-59 and Fig. 1. A remote indicator 20, which includes a housing 21 and a pointer 23 mounted on a dial face 22 to display the movement of the movable part 11, displays the movement of the movable part 11 on a dial face 22. See Simpson at col. 3, lines 3-9 and Fig. 2. However, Simpson does not disclose a cover of any sort that encloses the pointer 23 and the dial face 22 in the housing 21, much less a one-piece clear polymer cover. Additionally, Simpson does not disclose a polymer housing. As Simpson does not disclose such a cover or a polymer housing, Simpson also does not describe or suggest a hand-operated fastening device that secures a one-piece clear polymer cover to a polymer housing such that an interaction

between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, as recited in claim 1.

Realizing that Simpson lacks the noted features of claim 1, the Office cites Norwood '952 as disclosing a hand-operated fastening device that secures a polymer cover to a polymer housing such that an interaction between the polymer cover and the polymer housing creates a seal between the polymer cover and the polymer housing. See final Office Action at page 4. Additionally, the Office cites Norwood '952 as disclosing a polymer housing and a two-piece polymer cover and Albanese III as disclosing a transparent one-piece polymer cover, suggesting that it would have been obvious to modify the two-piece cover in Norwood '952 to be a clear one-piece polymer cover. See final Office Action at pages 4-5. Finally, the Office suggests that it would have been obvious to modify Simpson to include a polymer housing, a one-piece clear polymer cover, a hinge, a latch, and a hand-operated fastening device that would secure such a cover to the polymer housing to create a seal between the one-piece polymer cover and the polymer housing. See final Office Action at pages 4-5. Applicant disagrees that such a modification would have been obvious.

Norwood '952 discloses a controller that may be operated in severe environments, such as off-shore production facilities. See Norwood '952 at col. 4, lines 5-9. Through the elimination of mechanical switches and a sealed keypad arrangement (see Norwood '952 at col. 4, lines 14-19 and lines 39-45), the controller is not damaged when container doors are left open (see Norwood '952 at col. 4, lines 10-14), and the sealed keypad assures the immunity of the controller electronics from weather conditions (see Norwood '952 at col. 4, lines 42-45). Operator inputs to the controller 60 are provided by the keypad 130 (see Norwood '952 at col. 11, lines 16-18), and a front cover 116 hingedly closes over an operational surface of the housing 112 in a water tight fashion against the housing 110 (see Norwood '952 at col. 10, lines 51-54).

However, although the front cover 116 closes over the operational surface 112 of the housing 110, in Norwood '952, the keypad 130 "extends through a sealing material to the sealed circuit to the sealed circuit again to assure immunity of controller electronics to weather conditions." See Norwood '952 at col. 4, lines 42-45. Thus, in Norwood '952 the interaction between the sealing material and the sealed circuit acts to seal and protect the controller

electronics regardless of whether the front cover 116 is closed over the operational surface 112 of the housing 110.

Additionally, and as indicated by the Office, Norwood '952 does not describe or suggest a one-piece clear polymer cover enclosing a position indicator display and mechanism in a polymer housing; instead, Norwood '952 shows a two-piece cover. Modifying the cover 116 in Norwood '952 to be one-piece clear polymer cover would render the cover 116 unsatisfactory for its intended purpose of shielding the liquid crystal readout from direct sun rays because modification of the cover 116 in Norwood would permit sun rays to strike the liquid crystal readout. Thus, the proposed modification would not have been obvious. See MPEP § 2143.01(V).

The Office concedes that Norwood's cover 116 is a two-piece cover, rather than a one-piece clear polymer cover, and the Office indicates that the window 118 is the second piece. See the final Office Action at page 4. The window 118 is formed in a recessed region 132 within the front cover 116 (see Norwood '952 at col. 10, lines 50-51) to shield a liquid crystal readout from direct sun rays (see Norwood '952 at col. 11, lines 28-32 and Fig. 4). Thus, if the cover 116 were modified to be a one-piece clear polymer cover, the recessed region 132, which is formed within the cover 116, would no longer shield the liquid crystal readout. Such a modification would render the cover 116 and recessed region 132 unsatisfactory for the purpose of shielding the liquid crystal readout, and, accordingly, would not have been obvious.

Albeanese III, which is cited as showing a one-piece clear polymer cover, discloses a container for enclosing various types of equipment. See Albeanese III at col. 3, lines 19-21. The container 10 includes a cover 11 that is hinged to a rear wall 13 and the cover 11 is detachably secured to an upper edge of a front wall 15 of the container by bolts and wing nuts at three positions on the container 10. See Albeanese III at col. 3, lines 44-48 and Fig. 1. However, even assuming that Albeanese III discloses a one-piece clear polymer cover, as discussed above, it would not have been obvious to modify Norwood '952 to include a one-piece clear polymer cover.

Finally, even if Norwood '952 could somehow be modified to include a one-piece clear polymer cover, which applicants do not concede, it would not have been obvious to modify Simpson to include the noted features of claim 1. In particular, modification of Simpson to

include the features of claim 1 that the Office concedes Simpson lacks would require a substantial redesign of Simpson's indicator 20, and, thus, such a modification would not have been obvious. See MPEP § 2143.01(VI), as discussed below.

As acknowledged by the Office, Simpson does not include a polymer housing, a one-piece clear polymer cover enclosing a position indicator display an mechanism, a hinge connected to such a one-piece clear polymer cover, or a hand-operated fastening device that secures such a one-piece clear polymer cover to the polymer housing such that an interaction between the housing and the cover create a seal between the cover and the seal. See the final Office Action at pages 4-5. Thus, modification of Simpson to include the features of claim 1 would require that the housing 20 of the indicator 21 be made from a polymer, a one-piece polymer cover be attached to the housing 20, a hinge attached to the one-piece polymer cover and the housing 20, and a hand-operated fastening device be attached to the housing 20. Such changes would amount to a substantial redesign of Simpson's position indicator. Thus, it would not have been obvious to modify Simpson to include such features.

Accordingly, neither Simpson, Norwood '952, Albeanese III, nor any proper combination of the three describe or suggest a one-piece polymer cover enclosing a position indicator display and mechanism in a polymer housing and a hand-operated fastening device that secures the one-piece clear polymer cover to the polymer housing such that an interaction between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, as recited in claim 1, and it would not have been obvious to modify the references in the manner suggested by the Office.

For at least these reasons, claim 1 is allowable over any proper combination of Simpson, Norwood '952, and Albeanese III. Moreover, dependent claims 2-6, 23-25, 28, and 29 recite allowable subject matter in their own right. For example, dependent claim 29 recites that the one-piece polymer cover is secured to the polymer housing at a single access point. Albeanese III, which is cited as showing a one-piece clear polymer cover, is secured at multiple points to the container 10. See Albeanese III at Fig. 1. Accordingly, dependent claim 29 is allowable for at least this additional reason.

Rejections over Simpson, Norwood '617, and Albeanese III

Claims 1-6, 23-25, 28, and 29 have been rejected as being unpatentable over Simpson in view of U.S. Patent No. 4,916,617 (Norwood '617) and Albeanese III.

Applicants request reconsideration and withdrawal of this rejection at least because it would not have been obvious to modify Simpson to include the features of claim 1 that the Office acknowledges Simpson lacks, nor would it have been obvious to modify Norwood '617 with Albeanese III in the manner suggested by the Office.

As discussed above, Simpson does not describe or suggest the noted features of claim 1, nor would it have been obvious to modify Simpson to include these features.

Norwood '617 relates to a controller 10 that is contained within a water-tight housing, which is, for the most part, configured as described in Norwood '952.¹ See Norwood '617 at col. 6, lines 39-45. A hinged front cover closes over the operational surface of a module 14 against housing component 12. See Norwood '617 at col. 6, lines 52-55. However, as indicated at page 8 of the final Office Action, the cover is not a clear polymer cover. The final Office Action suggests that it would have been obvious to modify Norwood '617 to include a clear polymer cover "to allow the user to view the display readout 42 in Norwood '617 without having to open the cover." Applicant disagrees because the operator in Norwood '617 views the readout 42 with the cover open as the operator enters data into a keypad 44.

The controller 10 in Norwood '617 includes an 8-digit liquid crystal display 40 and a corresponding readout 42 (see Norwood '617 at col. 8, lines 9-12), which perform in conjunction with a communicator provided as an 8-key keypad 44 (see Norwood '617 at col. 12-14). For example, where a variable of the controller 10 is changeable at the site of the controller 10, the operator depressing right and left arrow keys 48 and 49 on the keypad 44 moves a cursor of the display 42, and then the operator can change the value of the variable by pressing an up arrow key 50 or a down arrow key 51. See Norwood '617 at col. 8, lines 32-34. Upon depression of key 46 on the keypad 44, a given variable title will be displayed at output 42 while the numerical value of that variable will be displayed at output 42. Thus, in Norwood '617, the operator opens

¹ Applicants note that column 6, lines 42-45 of Norwood '617 indicates that "[t]his housing is, for the most part, configured as described in U.S. Pat. No. 4,532,052 by Norwood, issued Aug. 6, 1985, and assigned in common herewith." Applicants believe that this portion of Norwood '617 refers to Norwood '952 because Norwood '952 issued on August 6, 1985. In contrast, U.S. Patent No. 4,532,052 issued on July 30, 1985 and is to Weaver.

the cover to adjust the controller and views information about the controller on the display 42 while operating the keypad 44 with the cover open. Accordingly, because the display 42 is viewed while the keypad 44 is operated, which occurs when the cover is open, it would not have been obvious to modify the cover in Norwood '617 to be a clear cover so that the display 42 could be viewed without opening the cover.

For at least these reasons, it would not have been obvious to modify Simpson to include the noted features of claim 1 nor would it have been obvious to modify Norwood '617 with Albeanese III. Accordingly, claim 1 is allowable over any proper combination of Simpson, Norwood '617, and Albeanese III, as are claims 2-6, 23-25, 28, and 29, which depend, directly or indirectly, from claim 1.

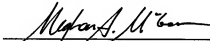
Conclusion

Applicants submit that all claims are in condition for allowance.

No fee is believed due at this time. Nonetheless, please apply any other charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date: September 9, 2008



Meghan A. McGovern
Reg. No. 60476

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945